

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 1103 OF 2006

SHANKAR DIGAMBAR POUL Petitioner.
Adult, Occ. Retired, r/at. 840/94
Deshmukh Plot; Alipur Road,
Barsi Dist. Solapur -413411.

V/s.

The State of Maharashtra Respondent.
through The State Chief Secretary,
Govt. of Maharashtra G.A. Dept.,
Mantralaya, Mumbai- 400 032.

Mr. S.D. Poul the Petitioner in-person.

Mr. S.R. Nargolkar, AGP for the Respondent.

CORAM : V. G. PALSHIKAR AND
V. R. KINGAONKAR, JJ.

DATED : 05TH APRIL, 2006

JUDGMENT : (Per Kingaonkar, J.)

1. This petition is an example of futile attempts made by the Petitioner to invoke writ jurisdiction of this court without any reason or rhyme.

2. By this petition, the petitioner seeks to impugn letters

dated 08.08.2003, 11.02.2004, 17.03.2004, 08.12.2004 and 10.01.2005 issued by the concerned authorities.

3. Briefly stated, the case of the petitioner is that he joined government service as a Surveyor in the Public Works Department. He was promoted as an Overseer w.e.f.31.03.1973. The post of Overseer was subsequently re-designated as that of "Junior Engineer". The Unit of National Highway Division, Nasik was abandoned and closed down. With the result, the petitioner alongwith other 19 Overseers were informed that their services have been discontinued w.e.f.31st August, 1974. The petitioner was reverted to the post of Surveyor, Class-III from the above date. Some-where in the proximity of such period, the Irrigation Department agreed to absorb the surplus Junior Engineers of the Public Works Department and as such the Government issued a memorandum dated 28th November, 1974. The petitioner was, therefore, again promoted on 31st July, 1976 as Junior Engineer. He took charge of the promotional post from 26th August, 1976.

4. The petitioner made representation dated 31st August, 1974 and requested to revoke the order of reversion and to consider period from 31st August, 1974 to 25th August, 1976 as continuous service in the promotional post. According to him, basically his reversion was improper, illegal and hence his services in the promotional post could not be discontinued during the above

period. His representation was turned down but the Superintending Engineer gave certain relief on the ground that one vacant post of Junior Engineer was available in Pune Zone from 01.08.1975 and therefore, directed under the office memorandum dated 12.07.1982 that period from 01.08.1975 to 25.03.1976 in relation to the petitioner shall be treated as continuous service on the post of Junior Engineer. The petitioner made umpteen number of representations from time to time and requested that the period between 01.09.1974 to 31.07.1975 be not treated as break in service in the cadre of Junior Engineer. His representations were rejected. He preferred O.A. No.546/1994 before the Maharashtra Administrative Tribunal, Mumbai. The Tribunal dismissed his application.

5. The petitioner filed a number of petitions and appeared -in-person before this court and various Benches of this court have rejected his contention from time to time. Now he has again approached this court with a request that the communications of the respondent be quashed and relevant period be treated as continuous service rendered by him in the promotional post.

6. We have heard the petitioner-in-person.

7. The petitioner has ventilated the same grievance from time to time though several times it has been rejected by this court. A tabular statement at pages 138 and 139 of the petition would

show his attempts about the same kind of grievance. The same is reproduced below :-

Sr.No.	Forum	Petition No.	Decided on	Decision
1.	The Hon.MAT	O.A.No.546/94	9/7/1999	Dismissed.
2.	The Hon.H.C.	W.P.No.5456/99	3/12/2001	Dismissed.
3.	The Hon.H.C.	Civil Appln.No. 9/02 (for review) in W.P.5456/99	9/8/2002	Rejected.
4.	The Hon.H.C.	W.P.No.3063/03	12/9/2003	Dismissed.
5.	The Hon.H.C.	R.P.No.104/03 (in W.P.3063/03)	16/10/2003	Dismissed.
6.	The Hon.H.C.	W.P.No.3121/03	9/6/2003	Order & Disposed off.
7.	The Hon.H.C.	C.P.No.387/03	23/1/2004 13/2/2004	Representation to be considered Rejected.
8.	The Hon.H.C.	Contempt Appeal No.2/2004 in C.P.No.387/2003	24/3/2004	There is no merit & it is disposed off.
9.	The Hon.H.C.	C.P.No.187/2004	8/6/2004	Rejected.
10.	The Hon.H.C.	Review Petition Stamp No.12792/04 in C.P.No.387/03	4/8/2004	Dismissed.
11.	The Hon.H.C.	W.P.No.5841/04	27/7/2004	Dismissed.
12.	The Hon.H.C.	W.P.No.5842/04	27/7/2004	Dismissed.

13.	The Hon.H.C.	W.P.No.7505/04	16/10/2004	Dismissed.
14.	The Hon.H.C.	P.I.L.No.171/04	27/10/2004	Dismissed. as with- drawn to file repre- sentation & receive - proper con- sideration by the au- thorities.

8. Undaunted by failure to find favour with his same kind of argument, he has again preferred this writ petition and has tried to justify it. The crux of the matter is whether his service from 01.08.1975 to 25.03.1977 could be treated as continuous service in the cadre of promotional post namely, Junior Engineer. There is hardly any cogent reason to consider his such service as continuous period of service spent by him in the promotional post inasmuch as he, in fact, never worked on such post during the relevant period. It is explicit that he made first representation on 31st August, 1974. He was informed on 22nd July, 1982 that the period between 1st August, 1975 to 25th August, 1976 was being treated as the continuous service in the cadre of Junior Engineer but the earlier period was not treated as such. It appears that for the first time he approached the Maharashtra Administrative Tribunal by filing O.A. 546/1994. The Tribunal rejected his claim as it was hopelessly barred by limitation. The Tribunal found that mere repeated

representations did not give fresh cause of action to the petitioner and his long drawn silence for more than 12 years was inexplicable.

9. It is not necessary to give details of all the litigations which the petitioner had filed in this court. Suffice it to say that his basic grievance remained the same and some-how or the other he wanted to coax the respondent to treat the relevant period as the service rendered in the promotional post. He appears to have abused legal process under various writ petitions including the present one. We are of the opinion that the petitioner has a tendency to file such petitions and continue to argue the same in-person though has exhausted all the remedies. Though the court has not saddled him with cost on the earlier occasion yet now his repeated endeavour to abuse the legal process has become intolerable. Not only that the courts' valuable time is unnecessarily lost in such unfounded litigation but that the respondent State is also required to incur a good deal of expenses without much substantial reason. Under the circumstances, we are inclined to impose exemplary cost of Rs. 5000/- on the petitioner with a hope that he would not henceforth file any such petition.

10. In the result, the petition is hereby dismissed with cost of Rs. 5000/- and further direction that unless he will deposit such cost in the court, no further petition on the same ground

regarding the similar relief shall be entertained and be registered by the office. Rule discharged accordingly.

(V.G.Palshikar, J)

05.04.2006

(V.R.Kingaonkar, J)